

FACT SHEET

AUGUST 1998

Recommendations for Considering Historical Objects and Documents in Environmental Project Review

Introduction

During renovation and demolition of buildings, and when planning for such projects, it is not unusual to find old documents and objects in closed-off rooms, under floors, behind walls, and in attics and basements. An extreme example occurred in 1997 when papers and other material from the "Missing Soldiers Office," which was operated by the famed Civil War nurse Clara Barton, were found in a Washington, D.C. building scheduled for demolition. The material was in crawl space above the ceiling of the largely intact room in which Barton worked to locate the remains of Union war dead on behalf of their families. The only reason the material was found was that at some point in the past the plaster had been removed from the room's ceiling, and someone had rifled through the boxes stored above, leaving papers and pieces of fabric protruding through the lath where they could be seen from below. Because of the discovery, the building was saved, and will be restored and interpreted.

Records and objects are not always well recorded and preserved in planning and carrying out renovation and demolition. In the Clara Barton case, for example, the building almost certainly would have been demolished, and all the historical material lost, had it not been for an alert demolition contractor's employee who noticed the papers protruding from the ceiling and entered the crawl space to investigate.

The following recommendations are provided to assist GSA employees and contractors to make sure that important historical documents and objects are not lost during GSA projects.

Historical Documents, Objects, and Their Contexts

Many kinds of documents can have historical value. Old GSA records, the records of other agencies, and non-federal documents of many kinds may contain unique or unusual information reflecting past times and historical events. Old books, newspapers, magazines and even business records like receipts can have value to historians.

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Objects like articles of clothing, furniture, tools, weapons, office equipment, and machines can also have historical value, as evidence of their times and past activities. Some may be associated with important people or events, or illustrate forgotten industrial processes or periods in history. Even quite humble objects like old office supplies can be important in some cases.

The context in which an object is found is often as important as the object itself. In the Clara Barton case, the fact that records of her missing soldiers bureau were found in the room where she worked, associated with the artifacts of her time there, make it possible for historians to reconstruct her work with much more richness than if the records and artifacts had been found by themselves.

Where Historical Material May Be Found

Much important historical material survived precisely because it was put away in obscure locations and forgotten. The crawl space above the ceiling in the Clara Barton case is a classic example. Other examples include sealed up rooms, attics, basements, closets, and inside walls. To discover such material, locations like these must be found and thoroughly searched.

Even after a thorough search, however, it is entirely possible for important material to be found during demolition or renovation. Material sealed up in walls, for example, is almost certainly not going to be found until the wall surface is removed.

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Legal Requirements

Federal records must as a matter of law be managed in accordance with the Federal Records Act (44 U.S.C. 21, 29, and 33; FRA) and procedures of the National Archives and Records Administration (NARA) (36 CFR Chap. XII.B) "Federal records" are:

all books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the Government or because of the informational value of the data in them (44 U.S.C. 3301).

GSA's procedures for implementing FRA, which are binding on all GSA employees and activities, and on all GSA contractors, are part of its Federal Information Resources Management Regulations (41 CFR Chap. 201A&B: FIRMR; see also OAD P 1820.2A). *FRA applies to all Federal records, regardless of age.* All Federal records must be covered by an approved records schedule; before any records, of whatever age, are disposed of, coordinate with the appropriate Regional Information Management Branch (RIMB) to make sure that disposal is in accordance with the schedule.

Documents of all kinds, as well as equipment, tools, clothing, and other objects, may contain historical data that must be considered under the Archeological Data Preservation Act of 1974 (ADPA, 16 U.S.C. 469a). Although this law is usually thought of as dealing only with archeological sites, in fact it provides for the identification and protection of "significant scientific, prehistoric, historical, or archeological" data. The law charges agencies with recovering such data when their activities may threaten destruction or disturbance, and reporting such threats to the Secretary of the Interior. ADPA establishes no time limits, but generally speaking, anything over about 50 years old should be considered to have possible historical value, and items of lesser age may be important if they document an especially important event, process, person, or action.

Historical documents and objects may contribute to a property's eligibility for the National Register of Historic Places, and hence have to be considered under Sections 106, 110, and 112(a)(2) of the National Historic Preservation Act (NHPA). Properties are usually not eligible for the National Register if their significance lies less than 50 years in the past, though there are exceptions.

Finally, such documents and objects are cultural resources that must be considered as parts of the human environment under the National Environmental Policy Act (NEPA). Like ADPA, NEPA contains no time-limited definition of historical importance.

Generally, then, GSA needs to be concerned about (1) all Federal records of whatever age, (2) all documents and objects that appear to be 50 years old or older, and (3) items of lesser age where they may be associated with especially important events (e.g., a particularly important court case), processes (e.g., development of a new medical procedure), people (e.g., a Regional Administrator who became President), or actions (e.g., an assassination).

Unfortunately, it is not always immediately obvious that a given document or object is historically valuable. As a result, caution is necessary in identifying and handling materials that *might* have such significance.

Building Management

As time and funding permit, building managers should inspect empty rooms, crawl spaces, other void spaces, attics, basements, and other locations where documents and objects might have been deposited in the past. If such materials are found, do not remove them. Instead, consult with GSA's Regional Historic Preservation Officer (RHPO) and, where Federal Records are concerned, the RIMB about evaluating and managing them.

Building managers whose buildings contain substantial amounts of documents and objects that may be of historical interest should budget for their systematic evaluation and management, in consultation with the RHPO and RIMB.

Project Review Under NEPA

When considering a proposed repair, alteration, demolition, property disposal, or property acquisition action under NEPA, be sure to consider potential impacts on historical documents and objects. Be sure to include provision for such consideration in your contractor's scope of work. In many cases, of course, there will be no potential for such impacts, but the possibility of effects to historical documents and objects should be routinely considered when scoping an Environmental Impact Statement (EIS) or Environmental Assessment (EA) and when completing Categorical Exclusion (CATEX) checklists. On the GSA CATEX Checklist (See NEPA Desk Guide, Exhibit 5-1), possible impacts on historical documents or objects could lead program staff to check "Yes" or "Need Data" on lines A, B, E, or in rare cases F or G. By themselves, impacts on documents and objects should seldom be of sufficient concern to require preparation of an EA, or to elevate the impact of a project to the point at which an EIS is needed. More often, possible impacts will require identification and preservation measures to ensure that there will be no impact on the quality of the human environment. Where impacts on other aspects of the environment are sufficient to require a higher level of analysis, impacts on historical documents and objects should be considered as part of that analysis.



Historical records and artifacts of Nurse Clara Barton's Civil War era Missing Soldier's Office as found in the crawl space above a room in a Washington, D.C., building that was scheduled for demolition.

At whatever level analysis occurs, the kinds of materials subject to possible effect should be discussed as parts of the affected environment, and alternatives should be considered that avoid or mitigate adverse effects on them. Measures to preserve historical documents and objects should be identified as mitigation measures in the appropriate EIS, EA, or CATEX documentation, and/or in the applicable finding of no significant impact (FONSI) or record of decision (ROD), and arrangements should be made for their implementation.

Project Review Under Section 106 of NHPA

When establishing the scope of an identification effort under Section 106 and its implementing regulations (36 CFR 800), the possible need to identify historical documents and objects should be considered. Where this possibility exists, the scope of work for identification should be designed to ensure that the right kinds of expertise are employed, and the right kinds of methods used, to examine the places where such materials may occur, and to identify and evaluate them.

The identification effort should include a reasonable and good faith effort to identify such materials, or predict whether they are likely to exist – usually involving a careful search of parts of the building where such materials might be found. This effort should be coordinated with analysis of the affected environment under NEPA.

The presence of historical documents and objects is seldom enough by itself to make a property eligible for the National Register of Historic Places, and the absence of such materials does not make a property ineligible. However, such materials may contribute to a property's eligibility, usually under National Register Criteria "a," "b," or "d."

A property that is not eligible for the National Register may contain historical documents or objects. This would not make the property eligible, and the documents or objects would not have to be considered further under Section 106, but they still should be managed in accordance with these guidelines, and compliance with FRA, ADPA, and NEPA is required.

Where an eligible property contains or is related to historical documents or objects, the Section 106 agreement document (Memorandum of Agreement, etc.) should include provision for their management. The guidelines in Section IX below may provide a skeletal outline for such a plan, but the plan should be specific to the kinds of materials involved, to their condition, their significance, and their intended disposition.

Discovery

GSA personnel and contractors should be alert to the possible existence of historical materials in buildings subject to demolition or renovation. Deliberate efforts should be made to examine locations where such materials might exist, before demolition or alteration of the building begins. During demolition or alteration, everyone involved should be prepared for the possible unforeseen discovery of such materials.

When a plan has been developed for dealing with historical materials, for example as a result of project review under NEPA and Section 106, that plan should be incorporated into contracts and other project documents, and carefully implemented. When documents or objects that might be historical are found without a plan in place for their handling, the guidelines set forth in Section IX should be followed. These recommendations may also be helpful in designing plans during NEPA and Section 106 review.

Recommendations for Handling Discoveries

- A. **Qualified monitoring.** Where there is reason to think that historical materials might be found in a building, try to arrange for the work to be monitored by a qualified person or people. Such a person may be a professional historian, architect, or archeologist, or someone else with training in the identification and recording of historical material.
- B. **Personnel briefing.** Make sure that workers and other personnel are briefed about what to do if they find something historical. Generally, the rule should be to leave it alone until the guidelines below can be followed.¹
- C. **When a discovery occurs,** these guidelines should be followed:
 - 1. **Context.** Note the context in which the materials are found. Is it an intact workspace or living area? If so, it will be important to keep the context intact at least until it can be properly recorded. On the other hand, if the materials are, for example, papers in a file cabinet sitting in a hallway, all that may be needed is to make a note of the cabinet's location (e.g. on a building plan), after which it can be removed. Material found in storage areas like crawl spaces should be recorded in place before removal. Items found in walls, under floors, and in ceilings present a special case; here it may be important to try to detect how they got where they are found. Were they sealed in during construction? Placed there later? Generally, try to think of the discovery site as though it were a crime scene. Disturb the evidence no more than is necessary to continue with critical business, and call on the RHPO or another expert for help. If the context absolutely must be disturbed without expert help, make and record the best observations you can, using building plans, videotape, audio tape, and other recording devices where you have them.
 - 2. **Federal records.** In consultation with the RHPO and RIMB, make sure that any GSA records are categorized and disposed of in accordance with the FIRMR. If records are found that properly belong to another agency, contact that agency's Federal records manager to handle the records in accordance with the agency's FRA procedures. If the records are those of a defunct agency, seek out the descendant agency that is responsible for managing its records, and treat them accordingly.
 - 3. **Non-federal records, and all possible historical objects.** Generally, any non-federal record, and any object, that is over 50 years old should be treated as possibly having historical value. For material less than 50 years old, judgment must be exercised in considering whether such material may be historical. Consider factors like the association of the material with important events, processes, and people, its possible public interpretive potential, its

uniqueness, and its capacity to convey important information about a time in history that may be or become important to the public or to scholarship. Where non-federal records or objects that appear to be over 50 years old, or that are less than 50 years old but appear to have possible historical importance, are found:

- a. Contact the RHPO for direction;
- b. Note where the materials were found, on building plans or in some other manner; make as complete a record as possible;
- c. Record (in writing, on tape, in electronic media) a narrative description of the location and circumstances of the discovery, with graphics (photos, drawings, etc.) as needed to make the circumstances clear;
- d. If conditions permit, wait for the RHPO or another expert before collecting the materials. If conditions do not allow you to wait, collect the materials in as gentle a way as possible, retaining or recording as much contextual information as possible, and store the material safely until you can consult with experts.
- e. Handle the material with care. Minimize handling of the material unless it is obviously stable and not subject to deterioration or breakage. Do not clean the material unless it is absolutely necessary. Avoid applying chemical preservatives of any kind except under the supervision of a qualified expert.
- f. Dispose of the material in accordance with RHPO recommendations. In general:
 - (1) Documents should be housed in an archival repository that meets contemporary standards; the RHPO can advise about what such standards are.
 - (2) Objects should be housed in an institution that meets National Park Service standards found at 36 CFR 79.
 - (3) A report on the discovery and treatment of the materials should be completed and filed with appropriate authorities, including State, Indian tribal, and local historic preservation authorities.
 - (4) In some cases (determined by the RHPO), documents should be filed with the Library of Congress through the Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER).

For further advice and assistance, contact your Regional Historic Preservation Officer or NEPA Call-In at 202-208-6228.

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¹ Penalties for removing artifacts are contained in: Title 18 U.S.C., "Crimes and Criminal Procedure," Chapter 31 "Embezzlement and Theft," Part 641 "Public money, property or records"; Title 18 U.S.C., "Crimes and Criminal Procedure," Chapter 65 "Malicious Mischief," Part 1361 "Government property or contracts"; Title 18 U.S.C., "Crimes and Criminal Procedure," Chapter 53 "Indians," Part 1163 "Embezzlement and theft from Indian tribal organizations"; and the "Archaeological Resources Protection Act," 16 U.S.C. 470, Part AA - MM.